GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:1359
ANSWERED ON:08.03.2002
ADMISSION TO EDUCATIONAL INSTITUTIONS
GADDE RAMAMOHAN;PUTTASWAMY GOWDA;RUDRAGOUDA PATIL

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the attention of the Government has been drawn to the news item captioned `Lawmakers overlook threatens disabled` as appearing in the Pioneer dated the February 7, 2002;

(b) if so, the facts of the matter reported therein;

(c) whether Section 39 of the Persons with Disabilities (Equal Opportunities,Protection of Right and Full Participation) Act, 1995 is not clear;

(d) if so, whether some High Courts of the country also made some remarks in this regard; and

(e) if so, the corrective steps taken by the Government in this regard?

Answer

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. SATYANARAYAN JATIYA)

(a) to (e): A news item Captioned `Lawmakers overlook threatens disabled` appeared in the Pioneer dated 7.2.2002. The matter relates to interpretation of Section 39 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and FullParticipation) Act, 1995 by Hon`ble High Courts.Section 39 of the Act provides that all Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three percent seats for persons with disabilities. Keeping in view the above provision, the Ministry of Social Justice & Empowerment have requested all appropriate Governmentsand Central Ministries/Departments to ensure implementation of this provision. The Ministry of Human Resource Development that is the nodal Ministry in so far as education is concerned have also issued similar instructions to the Education Secretaries of State Governments/U.T. Administrations, University Grants Commission, etc.

However, as this provision appears in the Chapter under `Employment` (at Section 39) and not under Chapter on Education, the Hon`ble Delhi High Courthave held that this provision of reservation does not relate to reservation of seats in admission in educational institutions, but reservation in posts. In order to clarify the position, there is a proposal to amend the Act suitably.